

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DANIEL MARTINEZ,

Plaintiff,

v.

No. 12-cv-0037 SMV

MICHAEL J. ASTRUE,  
Commissioner of Social Security Administration,

Defendant.

**ORDER STRIKING [DOC. 2]**

THIS MATTER is before the Court on Plaintiff's proposed Order Granting Application to Proceed In Forma Pauperis and Directing Service [Doc. 2] and on an insufficiently completed version of the Court's Application to Proceed In District Court Without Prepaying Fees or Costs [Doc. 2-1], both of which were filed January 12, 2012. The Court will strike the filing [Doc. 2] in its entirety for failure to follow FED. R. CIV. P. 7(b) and 28 U.S.C. § 1915(a). *See Atkins v. Sullivan*, 387 F.2d 140, 141 (10th Cir. 1967) (affirming trial court's denial of motions to proceed under § 1915 where the supporting affidavits, *inter alia*, were not signed).

Counsel for Plaintiff is encouraged to re-file his submission in accordance with proper procedure. Specifically, counsel should file a motion, requesting the relief that Plaintiff desires. *See* FED. R. CIV. P. 7(b). If counsel submits a proposed order, it should be directed to chambers, rather than filed on the record. Moreover, any affidavit in support of a motion to proceed *in forma pauperis* must be signed by the Plaintiff himself and must in all other respects constitute an affidavit, as required by § 1915(a). *See generally* 28 U.S.C. § 1746 (addressing unsworn declarations).

**IT IS THEREFORE ORDERED** that [Doc. 2] is **STRICKEN** from the record.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written above a horizontal line.

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STEPHAN M. VIDMAR  
United States Magistrate Judge